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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,380	12/03/2001	Joseph J. Mazzilli	52RK002CIP	8757

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Richard B. Klar
Suite 2301
875 Avenue of the Americas
New York, NY 10001

EXAMINER

DIEP, NHON THANH

ART UNIT PAPER NUMBER

2613

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,380

Applicant(s)

MAZZILLI, JOSEPH J.

Examiner

Nhon T Diep

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/10/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. There are two claims #14 and they are exactly the same and will be treated as one claim only. Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-15 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-15 of copending Application No. 10/261,606.

This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: Claims 1-15 of the copending Application No. 10/261,606 encompass claims 1-15 of the present application.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

4. Claims 1-15 are rejected under the judicially created doctrine of double patenting over claims 1-5 of U. S. Patent No. 6,333,759 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: Claims 1-5 of the US Patent encompass claims 1, 4, 7-13 of the present application.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during

prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-8, 10-11, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tino (US 5,978,017), in view of Turner (US 6,002,326).

Tino discloses a multi-camera video recording system for vehicles comprising the same video system for an automotive vehicle, comprising a camera housing located inside an automotive vehicle including a plurality of cameras, located on each side (forward and backward cameras: there is no limitation to recite cameras on the sides of the mirror) of the housing (Fig. 2, el. 26a, 26b, 26c and 26d), the camera housing being part of a rear view mirror of the vehicle (fig. 2); a video multiplexer for multiplying and a video cassette recording for recording images multiplexed by the multiplexer thereby providing a recording of an environment surrounding the camera housing (Fig. 1, el. 12 and 14 and col. 3, ln. 42-45); as specified in claims 1, 6, 14 and 15; the video recorder is located in a trunk of the automotive vehicle (Col. 4, ln. 10-13) as specified in claims 5 and 10; the camera housing is located behind a rear view mirror of the automotive vehicle and is adapted to extend below the rear view

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mirror (fig. 2, el. 25: rear view mirror, el. 26c: camera is extended below the rear view mirror) as specified in claim 11; and the camera housing is part of a housing of a rear view mirror (fig. 3) as specified in claim 13. It is noted that Tino does not particularly disclose that the system provides a 360 degrees range for video recording images received by the lenses and for recording of an environment surrounding the camera housing as specified in claims 1, 6, 14 and 15. Turner further teaches that a single camera can be designed for complete rotations so that it can obtain an optimum view in a full 360 path. In the event that the scanning camera does not rotate a full 360, it would then be desirable to employ the second camera in combination with the first camera (Col. 6, In. 36-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tino by installing more cameras, additionally, for example, one more on each sides of the rear view mirror, or using cameras with fisheye lens so the system can record events around (360 degrees) a vehicle (see Tino, Col. 1, In. 56-60) as taught by Turner.

With regard to claims 2-3 and 7-8 which recite the camera housing is shaped circularly and each of the cameras is located 90 degrees apart from each other and the camera housing is cube shaped and each side surface of the cube shaped camera housing has a lens. Since, the shape of the camera housing does not have any functionality that can affect the performance of the system and that in the process to obtain an optimum view of 360 degrees path as desired by Turner, it would have also been obvious that the rear view mirror system of Tino can be lightly modified to accommodate the installation of multiple

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cameras and wirings and therefore the shape of the rear view mirror can have a circularly shape or even cube shape as a direct result of the modification, cameras must be installed 90 degrees apart.

7. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tino and Turner as applied to claim 1 above, and further in view of Holliday (US 5,495,971).

As applied to claim 1 above, it is noted that the combination of Tino and Turner fails to particularly disclose that the VCR is located in a glove compartment or generally located inside the automotive. Holliday teaches that compact discs (CD's) and cassette are generally stored in the glove compartment, in a front console (Col. 1, ln. 15-22). It would have been obvious to one skill in the art at the time the invention was made to modify the system of the combination of Tino and Turner to place the VCR and the multiplexer in the glove compartment of the automobile vehicles. Doing so would help to remove recording tape or CD's without having to open the trunk.

Allowable Subject Matter

8. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703 87209314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-2600.

ND
16 Aug 2004


NHON DIEP
PRIMARY EXAMINER